

John represented the very best of West Virginia from a very young age. As a Knight of the Golden Horseshoe in eighth grade, president of his senior class at Fairmont Senior High School, and attendee of the Mountaineer Boys State, he excelled throughout his entire scholastic career—so much so that after graduating from Yale University, he joined Congressman Nick Rahall's staff, helping West Virginians in Washington, DC.

But the call of the mountains was strong for John, and he returned home to attend WVU Law School. While at WVU Law, he clerked on Wall Street but knew his biggest impact would be in his home State, so he found his way to Charleston. John was dedicated to bettering the Charleston community as the owner of his own law firm and while serving as city councilman.

John was dedicated to his community, whether through his recent mission to revive Charleston's recycling program or his brilliant idea to increase the Cardinal Train's service to Charleston that he recently worked on with my office.

John was not only a dedicated public servant but a talented attorney and successful businessman. He will be remembered for his professional abilities, as well as his service to his community. But most importantly, John will be remembered for his commitment to his children and family, spending much of his time at Jack, Brooks, and Lisette's many activities. He was well-known among the staff and parents of Capital-Midwestern Little League, Capital High School, Horace Mann Middle School, and Mountaineer Montessori. He would stop by the community center often just to see how the staff and students were doing.

John was so very kind and always thinking of how he could make his community better, no matter how out of the box his ideas seemed to be. He never met a stranger, and was also such a good friend to myself, my Charleston staff, and all West Virginians.

What is most important is that he lived a full life, surrounded by the people he loved most. I extend my deepest condolences to John's wife, Holly; and their children, Jack, Brooks, and Lisette; his parents, Joyce and former State Treasurer Larrie Bailey; his siblings, Anne and David, and their families; and his many friends and extended family. We will forever keep John and his family in our prayers.

Godspeed, John. We miss you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

BORDER SECURITY

Mr. CORNYN. Madam President, the crisis along our southern border is bad and has been getting worse since Joe Biden became President.

Last month, more than 200,000 migrants crossed our southern border—the second month in a row that we have seen a number that high. Since

President Biden raised his right hand and took the oath of office on January 20, Customs and Border Protection has stopped more than 1.2 million border crossers. That is nearly triple the total number it was at this point in the Obama administration, and more than eight times the number of migrants stopped at this point during the Trump administration.

These numbers have real consequences. Migrants are exploited, abused, raped, and some die on their dangerous trips to our border. Once they arrive, Border Patrol, local law enforcement, and nongovernmental organizations are expected to do a lion's task with a mouse's resources, and the surge of resources to migrants leaves serious security vulnerabilities that are exploited by cartels and criminal organizations.

Even before this current crisis with Haitians, Border Patrol officials have told me, just to deal with unaccompanied children and the number of migrants coming to the border, that as many as 40 percent of the Border Patrol have had to leave the front lines of protecting the border, which means that the drug cartels can simply exploit those gaps in the Border Patrol's security line in order to move illegal drugs into the United States that, last year alone, took the lives of more than 90,000 Americans by overdose.

As though things weren't challenging enough already, the city of Del Rio, with a population of 35,000 people, has been flooded by a group of nearly 15,000 migrants. Can you imagine? A city of 35,000 sees this huge human tsunami of 15,000 migrants almost exclusively from Haiti.

By the way, this ought to demonstrate that this is not just a regional phenomenon. I know the Vice President went down to Central America and said that she talked to the Presidents of the Central American countries, of the Triangle countries, and said: Please don't send your people to the United States.

Meanwhile, the green light was on at the border as a result of the refusal to enforce the basic security laws that were put in place by the previous administration. In fact, it looks like the guiding principle of the Biden administration was, whatever the previous administration did, we are going to undo it.

They forgot to put an alternative plan in place, and so the people keep coming—1.2 million migrants, just so far, since the Biden administration began. Well, migrants have now set up a camp under the International Bridge in Del Rio, in 100-degree temperatures. And they have been so brazen that they literally have gone back and forth across the river to Mexico to purchase supplies—food, water, or whatever. They have been able to go back and forth virtually at will.

Border Patrol and State and local officials have been working around the clock to ease the humanitarian crisis

that President Biden and his policies created, and they are being overwhelmed.

As I said, Del Rio isn't a huge city with unlimited resources. It is, roughly, 2½ times the size of the migrant group, and like other border communities, the city has experienced a one-two punch in the last year and a half because of COVID-19. First came the pandemic and a full range of new expenses. Then the strain was compounded by the restrictions on so-called nonessential cross-border travel, which has been in place for a year and a half.

Pre-pandemic folks from Mexico, if they had the proper paperwork, would travel across the border to shop, to eat, and to visit family members, and they were huge economic drivers of our border communities.

The Federal Reserve Bank of Dallas estimated that, prior to these restrictions, between 40 to 45 percent of all retail activity in Laredo, for example, was attributable to Mexican nationals. That has dried up completely.

Leaders in Texas, like the ones I met with in Brownsville last week, are struggling to understand the contradiction between the Biden administration's two different approaches. On the one hand, the administration is saying it is too dangerous for Mexican nationals to visit families in Texas or to shop in our stores because of the virus; but on the other hand, the administration is allowing 1.2 million migrants to cross our borders—untested, unvaccinated, most of whom are simply waved on through into the interior of the United States and told to appear at a future court hearing, which most of them will never show up for.

We simply don't know what kind of risks these untested, unvaccinated migrants who are being waved into the interior of the United States could pose to communities in Texas or across the country.

Just last week, the Department of Homeland Security Office of Inspector General found that, without stronger COVID-19 testing measures in place, the Department is putting everyone—migrants, Border Patrol agents, Customs agents, and the local communities along the border—at greater risk.

Still, the Biden administration has refused to take any sort of serious action that would stop the flood of humanity coming across our border. Yes, they have paid lip service. They have said: Don't come.

Meanwhile, the migrants are on the phone, talking to family in the United States, or they are simply watching American TV as the flood of humanity continues to come across the border without there being any real consequences.

On Friday, the current surge of primarily Haitian migrants became so overwhelming that the Biden administration closed a legal port of entry in Del Rio, as well as interior checkpoints.

For those of our colleagues who have actually been to the border, they know that Customs and Border Protection checks people as they enter the country at the border, but there are also interior checkpoints because we know many people aren't identified until they are found in an 18-wheeler trailer or embedded in some sort of hiding place or when the drugs that people are trying to smuggle into the United States are found often at the interior checkpoints.

Because of the flood of humanity coming across the border because the Border Patrol at Del Rio was so overwhelmed, 400 Border Patrol agents were reassigned from other places, including interior checkpoints, to come help deal with the masses. That created a huge vulnerability for the drug smugglers and human smugglers. So-called nonessential travel was already shut down, but the administration bungled the entire situation so badly that they had to shut down essential trade and travel as well.

Last Friday, I spoke with Border Patrol Deputy Chief Manny Padilla—somebody I have known for years and who used to be the chief of the Rio Grande Valley's sector of the Border Patrol. He told me that the main focus at the time, of course, was trying to deal with the humanitarian crisis of getting food, water, and sanitation to these individuals. Once the most urgent humanitarian needs are met, the processing and potential removal of migrants will move more quickly.

So far, a few thousand migrants have been moved to other Border Patrol sectors for processing. Again, because Del Rio's sector was overwhelmed, they had to bus them as far away as Arizona just to process people through the border. Some have already been returned to Haiti, and in the coming days, we can expect more flights to move some of the thousands of migrants back home.

The Department of Homeland Security has claimed that they will use title 42, a public health authority, to expel the vast majority of migrants. But the administration needs to be honest with us.

Will they use this title 42 authority—again, to protect the public health—to expel migrant families, too, and not just single adults? If not, will the Department use the expedited removal authority to swiftly remove these migrant families and, in doing so, deter others from coming? Or will they essentially continue to wave people through, encouraging even more migrants to make their way to the border? And will these migrants that they do have remain in custody until a removal decision is rendered?

We know that catch and release simply doesn't work. It can be exploited to the point where people know that, if we don't detain them, we will give them this notice to appear—sometimes called, in Spanish, a *permiso*—and they will be sent into the interior of the

United States, many of whom are never heard from again.

The Department of Homeland Security and the administration need to back up their proposed plans of dealing with this crisis—and their public statements—with real and immediate consequences to cut off the flow and deter future immigration.

There is a clear and urgent need for Congress to take action, and contrary to what our Democratic colleagues believe, blanket amnesty is not the answer. That will serve as an additional magnet for illegal immigration.

Rather than address the crisis at hand, our Democratic colleagues have spent the bulk of this year figuring out how to bend the rules of the Senate to grant citizenship to millions of people who have entered this country illegally.

Their plan would have provided legal status to people who entered the country as recently as this year, as long as they would have been 18 years or younger when they had arrived. It would have turned our ag sector on its head by legalizing unlawfully present farmworkers with absolutely no provisions to ensure that our agriculture producers would have access to a stable workforce. And it would have legalized millions of people with temporary protected status without even addressing the fact that this temporary program has been in existence for three decades.

There is a reason that Senate Democrats tried to pass a partisan bill by using the arcane budget procedures instead of the normal legislative process. These policies do nothing to alleviate the crisis that has existed on the border since Joe Biden became President. They fail to address the underlying reason people are unlawfully present and living in the shadows in the first place, and they literally reward illegal immigration. It is unfair to those immigrants who follow our laws and wait patiently in line.

Yesterday, the Senate Parliamentarian confirmed what we already suspected, and that is that our Democratic colleagues will not be able to use budget procedures to grant citizenship to millions of undocumented immigrants in a purely partisan budget reconciliation bill. Our Democratic colleagues have said they have a plan B, and while I haven't seen any details about what that might entail, I seriously doubt it will succeed. I hope our colleagues will respect the decision made by the neutral, unbiased guidance of the Parliamentarian and avoid nuking the rules of the Senate to achieve a partisan political goal.

In the meantime, there is a clear and urgent crisis on our southern border, and President Biden has proven that he is either unwilling or incapable of addressing it.

But Congress also has a duty to take action that can only be done in a bipartisan way. It is not too late for our friends across the aisle to abandon their partisan amnesty plan and work

with us on this side to address the actual crisis at hand.

And I have a suggestion about where we can start. Last April, Senator SINEMA, the senior Senator from Arizona, and I introduced the Bipartisan Border Solutions Act to address this unfettered flow of immigration.

I have been proud to also work—we have both been proud to work with two friends and colleagues in the House—Congressman HENRY CUELLAR, a Democrat, and TONY GONZALES, a Republican. So it is literally a bipartisan and bicameral piece of legislation.

Perhaps it is because the four of us live in and represent border States, we have spent time listening and learning from the men and women who safeguard our border and those who care for migrants and those who live in these border communities that are disproportionately impacted.

There are a lot of people who talk about what has happened at the border who have never even been there. They inaccurately characterize border communities as unsafe and lawless. They villainize the Border Patrol and other law enforcement agencies for actually enforcing the laws that Congress has passed. And they propose blanket solutions to the complex challenges that exist, which would do far more harm than good.

The fact is, the border is a beautiful, safe, and vibrant region. The men and women who lead and protect these communities are doing everything in their power to fairly and humanely respond to the crisis, but they are simply being overwhelmed and asked to do something that is the Federal Government's responsibility.

That is why our legislation is important. It would streamline the processing of migrants in regional processing centers that would provide new protections for unaccompanied children, one-third of whom have been lost—lost—because they have been placed with sponsors, and when the Federal Government tries to follow up and find out how they are doing, a third of them never respond, and they are lost to the system.

Our bill would also expedite legal proceedings and ensure that we have enough immigration judge teams, asylum officers, and staff to do things the right way. A number of groups have endorsed the bill, not partisan groups, and it constitutes a simple starting point that Democrats and Republicans should be able to agree on.

Democrats cannot continue to turn a blind eye to the humanitarian crisis on our southern border. To borrow a phrase from a sign held by one Del Rio resident last week: "No more optics. We want action."

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, first, I thank Senator CORNYN for his remarks, particularly the points he made about the ruling of the Parliamentarian. I come to the floor to address the same issue.

We received last night guidance from the Senate Parliamentarians regarding the unprecedented attempt to include wide-ranging immigration provisions in the upcoming reconciliation bill.

Now, for the public at large, when they hear the word “reconciliation,” it is a process by which you don’t have to have 60 votes in the U.S. Senate to get to finality on a bill. But reconciliation is something that has been used only twice, I believe, in the last 5 years. So it is not something that you just willy-nilly go to to get a lot of things done that you couldn’t otherwise get done. But this looks like what the Democrat majority is trying to do in the reconciliation bill with the issue of immigration, and so I am thankful for the decision made by the Parliamentarian.

That guidance by the Parliamentarian indicated that a proposal to legalize millions of undocumented immigrants is not appropriate for inclusion in a budget reconciliation bill.

As ranking member of the Senate Judiciary Committee, my office was deeply involved in the bipartisan discussions that took place with the Parliamentarian on this issue. I will say that I agree with the Parliamentarian’s guidance. I think it reflects an obvious truth—changing the law to legalize millions of undocumented immigrants is a major policy change with significant impact that reaches far beyond the Federal budget and not appropriate for reconciliation.

More broadly, reform of our immigration laws is an important public policy issue. It is a topic that many Americans and many Members of Congress on both sides of the aisle care deeply about. It is an issue that inspires fierce debate, sharp disagreements, and great passion in people on both sides of the argument. It does so because, at its core, the issue of immigration is about the policies that we put in place to give people from all around the world one of the most meaningful and precious gifts that we can give—the right to legally establish your life here and, in many cases, pursue American citizenship. And whether you pursue citizenship or not, you have the right to the American dream.

And you can see how important that coming to the United States is by just the hundreds of thousands of people so far this year breaking our laws to come into this country. It shows you how exceptional our great America is and the economic and the political and the social system we have that is so endeared to people all over the world that they want to come here, even breaking our laws to get here.

And, of course, whether it is citizenship or the American dream, that is not something that can be boiled down to a Congressional Budget Office score. It is not something that can be reduced to a line item in the Federal budget. I think everyone here in Congress and Americans around the country already knew that.

That is what made this most recent attempt to abuse the reconciliation

process by the Democratic leadership even more obvious.

As ranking member of the Senate Judiciary Committee, I look forward to continue working with my colleagues on measures to secure the border and improve our immigration system, but those measures need to be pursued in a way that complies with the rules of the Senate, not the subterfuge of what we call reconciliation.

The recent proposal put forward by Democrats in the Senate clearly was not, and I hope we can engage in a more productive legislative process moving forward on the subject of immigration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

BUDGET RECONCILIATION

Mr. TUBERVILLE. Madam President, our country is facing several crises as we speak. We are facing a border crisis with recordbreaking numbers of illegal immigrants pouring into our country daily, weekly, and monthly. We are facing a political and humanitarian crisis in the aftermath of a chaotic withdrawal from Afghanistan resulting from a fatally flawed political decision.

And we are still facing a public health crisis with the resurgence of COVID putting a strain on our healthcare system and our entire economy.

And despite the finger-pointing that President Biden has tried to do, we are seeing the real impact of his failed policies.

Every one of these crises, from the border to Afghanistan, to COVID, require our attention immediately. But you haven’t heard much more than a peep from our colleagues on the left.

Instead, they are focused on jamming through a \$3.5 trillion spending bill. You know, even if you spent \$5 million per day, every single day of the year, it would still take almost 2,000 years to spend \$3.5 trillion. Think about that. Five million a day, 365 days a year, would take 2,000 years to spend \$3.5 trillion.

So they are either completely tone deaf on the left or they are playing a game of hide the ball in an attempt to divert attention from these very real problems that are facing our country today.

You might find yourself asking, rightfully so: How will this package help the crisis our Nation is facing now, today? Will it help secure the border? Will it bring home Americans who were abandoned in Afghanistan? Will it encourage folks to talk to their doctor about getting the vaccine?

The answer across the board is a definite no. This reckless tax-and-spending spree will not do any of the above things.

What it will do is add to inflation, which is already at the highest point dating back to at least 2010.

With recordbreaking inflation and American families feeling the squeeze,

it is long past time for Congress to pass some fiscal restraint. American families across this country have to. They have to have restraint, so why wouldn’t we have to have it?

But the real kicker, as if spending \$3.5 trillion is not enough, is what they want to spend it on. If you think the pricetag is shocking, wait until you hear what programs are going to be funded with your taxpayer dollars.

Tucked into this legislation is a laundry list of progressive initiatives to expand Medicare, fund climate programs, and provide universal preschool and free college, all while inflation is going sky high.

With this bill, Democrats are painting a vision—their vision for what they think America should be, not what it is, and that is a socialist, welfare state with handout programs from cradle to grave, with not one work incentive included.

And remember, this bill only needs 50 votes, and because of that, they are trying to tack on everything that they know can’t pass at a 60-vote threshold. That includes the illegal immigrants, which we have talked about. They were actually considering this in the middle of a border crisis, which is as illogical as it is radical. It shows you just how radical this thing is—so radical that they tried to stick a policy provision into a budget bill, which, thank goodness, got struck down this weekend.

The Democrats are also adding in parts of this disastrous PRO Act, including a provision to overturn 85 years of precedent enabling lawsuits from civil penalties. This would allow unions to bleed businesses dry. It would cause many companies to close up shop and move operations overseas.

It is truly the kitchen-sink approach to try to bypass any Republican weight in on these important issues on behalf of the America that we all represent.

And if you think these policies are bad, the taxes are worse. Democrats are looking at a litany of taxes to throw at Americans to cover some of the costs of the far-left agenda.

Top on the list is an increase in the corporate tax rate from 21 percent to 26.5 percent. That is higher than communist China’s corporate tax—higher than China’s. President Trump’s signature Tax Cuts and Jobs Act lowered this rate. As a result, we saw a surge of corporations returning to American shores, and over \$1 trillion flowed back into the country after lowering this rate. A reversal of President Trump’s pro-business tax policy will directly hit American businesses—the heart of this country. That is simply something we can’t afford.

Family farms—they are going to come under assault like everybody else with the increase of the capital gains tax and death tax. To make matters worse for farmers, our Democratic colleagues want to increase taxes on family farms at the time of inheritance by doing away with the longstanding step-up in basis rule.